

**THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA
RAO**

WRIT PETITION No.26027 of 1996

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Date 19.01.2007

Between:
Jerripothula Srinivas & 3 others.

**.....
PETITIONERS**

AND

The General Manager,
Singareni Collieries Company Ltd.,
Ramakrishnapur,
Adilabad District & another.

.....RESPONDENTS

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ORDER:

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This writ petition has been instituted by four workmen of Singareni Collieries Company Limited, Ramakrishnapur, a State undertaking, seeking a declaration that disengaging the services of the writ petitioners as general mazdoors as illegal and arbitrary and therefore directions are solicited to the respondents to absorb the petitioners as general mazdoors.

2. The writ petitioners asserted that they were initially engaged by the Singareni Collieries Company Limited as Badli Coal Fillers (BCF) and after they put in a considerable man days of work they were made as regular coal fillers. The Singareni Collieries Company Limited seems to be following three different patterns of engaging the services of manpower. They are: 1) piece-rated man power, who get paid their wages depending upon the quantum of coal filled in bins; 2) daily-rated mazdoors; and 3) monthly wage earners. Such of those who have been engaged as Badli Coal Fillers, as and when the posts of coal fillers on regular scale become available they are appointed as coal fillers. As and when general mazdoor vacancies become available 50% of general mazdoor vacancies are sought to be filled in by offering them for absorption of surplus mazdoor working in any of

the departments in the company as also by providing an opportunity for the daily rated mazdoors. The balance 50% of the posts of general mazdoors are filled in by way of conversion of the existing regular coal fillers. Therefore, the writ petitioners who were working as coal fillers have solicited conversion/absorption as general mazdoors on the premise that there are vacancies of general mazdoors available and that, in fact, they have rendered considerable length of service on daily rate basis as general mazdoors category-1.

3. Sri K.Vasudeva Reddy, learned counsel for the petitioners, has drawn my attention to the policy of the company as has been enunciated in its circular, dated 16-07-1992, which has dealt with the issue of filling up of vacancies of general mazdoors, Category-I in the following manner:

5.4. FILLING UP VACANCIES OF GENERAL MAZDOORS, CATEGORY-I:

5.4.1 All vacancies of General Mazdoors Cat-I will be filled up in the following manner:

5.4.1 Firstly by converting permanent coal fillers or higher category daily rated personnel of that mine who wish to work in Cat-I on lower wages.

5.4.2 Then by regularizing Badlies continuously acting in daily rated jobs in the mine, in order of seniority, provided that they have put in at least 150 acting musters on daily rated jobs in the preceding calendar year, have put in at least 190 musters in a calendar year, and provided that their batchmates have been

regularised as Coalfillers in the Region.

Therefore he pleads that the writ petitioners have rendered considerable length of service as daily rated general mazdoors Category-I should not have been denied the right and opportunity to be converted on regular basis, the general mazdoors.

4. Per contra, Ms.Uma, learned counsel representing Sri K.Srinivasa Murthy, learned Senior Counsel for Singareni Collieries, would submit that the Singareni Collieries having set out the entire procedure in its circular, dated 16-07-1992, is bound by the same and in fact, it had not violated any of the terms or stipulations contained therein while filling in the regular vacancies of general mazdoors. It is contended on behalf of the respondents that as and when regular coal fillers submit representations, taking into consideration the compassionate factors pleaded by such coal fillers they will be permitted to work in general shift as general mazdoors category-I for certain periods of time. Therefore any attempt made by the Singareni Collieries by directing such men to go back and take up the regular assignment of job as coal fillers cannot be termed as an arbitrary act. It is further contended that the coal fillers are required to work in different shifts on round the clock basis inasmuch as the process of mining is a continuous one. Whereas general mazdoors in the general shift need not have to work on rotation or in shifts.

5. Be that as it may, if there are vacancies of general

mazdoor category-I available, the Singareni Collieries Company Limited cannot fill up such vacancies in any manner without complying with the procedure spelt out in paragraph 5.4 of the circular issued by them on 16-07-1992. Obviously the circular instructions have been issued as a policy guideline to prevent any departures or exercise of discretion in the matter of filling up of vacancies of general mazdoors.

6. Hence, the writ petition is disposed of directing the respondents to fill up the posts and vacancies of general mazdoors category-I strictly in accordance with the stipulations and conditions laid down in paragraph 5.4 of the circular dated

16-07-1992. If the writ petitioners, during the pendency of this writ petition, have already been regularized as general mazdoors the same will not be disturbed. If, on the other hand, they have not been regularized as general mazdoors so far, as and when vacancies of general mazdoor category-I become available their cases be considered and they be regularized by way of conversion by strictly following the procedure contained in paragraph 5.4 of their circular, dated 16-07-1992, but however without costs.

NOOTY RAMAMOHANA RAO, J

19th January, 2007
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